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An example of these qualities is Professor Cooley's treatment of the difference between governmental and other powers of a municipal corporation. The author, following the current practice, groups all powers as governmental and municipal; a grouping which either confuses the distinction between public and commercial municipal powers, or omits altogether the latter class. Among governmental powers, the power to extinguish fires is included (p. 137), apparently for no reason except that the city is not liable for a wrong done in the exercise of the power; while on the other hand, he is forced to class streets and sewers, along with public-service activities, among municipal powers. Parks he classes among municipal activities (p. 367), though it is pretty clear that a city is not liable for a defect in a park. He then (neglecting apparently all the cases where the city is not liable in tort) lays down the principle that the liability of a municipal corporation in tort is in most cases based upon the doctrine *respondeat superior*. For this statement no authority is cited, and it seems clear that this doctrine, based on the principal's advantage from the agent's act in business agency, has no application to a principal who is executing a public trust.

For many purposes a handbook like this may be much more useful than an elaborate four- or five-volume work; and though some of the important topics are sketchily treated, the book is trustworthy as a whole.

J. H. B.

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**POLARIZED LAW:** three lectures on Conflicts of Law delivered at the University of London, by T. Baty, D.C.L., LL.D. London: Stevens & Haynes, 1914. pp. xv, 210.

The principle upon which these lectures were constructed was, to pass briefly over the greater part of the subject, and to treat with thoroughness a few topics of special interest to the lecturer. Topics so treated are: nationality, marriage, divorce and marital property, and foreign theories of private international law. The discussion of these subjects is illuminated throughout by Dr. Baty's shrewdness, acuteness and felicity of statement. If, like a greater scholar, he permits himself the use of strange words to characterize familiar things we have learned to forgive and forget it.

The topic usually called in our law the Conflict of Laws is, he says, absolute rights viewed through the medium of a particular law — i.e., polarized. He correctly and forcibly argues that English rules "for the occasional application of foreign law instead of" English, as he defines the subject, is a branch of the law of England. His reasons for discarding, as regulator of personal relations, the national law of a person for the law of his domicil are well chosen and convincingly expressed. His criticism of the cases of *De Nicols v. Curiel* is refreshingly frank. The reviewer cannot agree, however, with his understanding of the law of marriage or of divorce. His statement that "divorce is a quasi-criminal process" hardly represents common-law authorities. His discussion of the unsatisfactory doctrine of the "renvoi" leaves little to be desired.

A very useful portion of the book is the Appendix, containing a translation of the Hague Private-Law Conventions. American lawyers cannot take them seriously, are rather amused when Weiss and other civilians rail at our refusal to join in them, and are unmoved when France withdraws her assent; but the conventions represent much time and thought on the part of the ablest European scholars, and one is glad to have them in a trustworthy English translation.

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